

AGN. NO. _____

MOTION BY MAYOR MICHAEL D. ANTONOVICH
AND SUPERVISOR HILDA SOLIS

OCTOBER 20, 2015

AMENDMENT TO AGENDA ITEM #44-A

Homelessness in the County of Los Angeles (County) is a significant issue that affects more than 40,000 individuals. Over 28,000 of these individuals are unsheltered, living on the streets and in hidden encampments along rivers, flood control areas, and other rural locations of the County. These unsheltered individuals are at high risk of injury and harm due to exposure to the elements and due to other health, safety and welfare-related circumstances and consequences of being homeless. Further compounding the threat to these individuals' health and safety, weather forecasts predict El Nino conditions that are likely to involve unusually heavy rainfall starting as soon as October 15, 2015 and continuing through March 15, 2016. In anticipation of the onset of the storm season and El Nino conditions, the County is hereby declaring a shelter crisis in accordance with Government Code Sections 8698 et seq. in an effort to facilitate the availability of temporary shelters for persons unable to obtain shelter during this time period.

MOTION

SOLIS _____

RIDLEY-THOMAS _____

KUEHL _____

KNABE _____

ANTONOVICH _____

The County owns, operates, leases or maintains numerous facilities throughout the County. The Chief Executive Office (CEO) has preliminarily identified modular buildings located at the former High Desert Multi-Service Ambulatory Care Center as a potential Winter Weather Shelter site during the anticipated El Nino. In addition, the CEO has identified a number of other County facilities that may be suitable to use as temporary emergency shelters, as warranted, during episodic heavy rain weather conditions. Also, there may be other suitable facilities which are owned, operated or leased by the County that have not yet been identified but could later be determined as suitable to use as supportive emergency homeless housing during the shelter crisis. The County facilities and possibly other suitable facilities which are owned, operated or leased by the County may be turn-key ready or require minor alterations to act as temporary shelters for the County's homeless population on an emergency basis.

Government Code Sections 8698 et seq. permit the Board to declare a shelter crisis to address the need for emergency temporary shelters when a significant number of persons within its jurisdiction are without the ability to obtain shelter, resulting in a threat to their health and safety. Under Government Code Sections 8698 et seq., the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis, including the establishment of the emergency temporary shelters. In place of any such housing, health, or safety standards, the County may enact municipal health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety.

The CEO, in consultation with County Counsel and the Departments of Public Works, Public Health, Fire, and Regional Planning intend to complete their evaluation of County and other public facilities within the County, including modular buildings, that could potentially be used for emergency shelter, and where appropriate, expedite the process to ready such facilities for operation as temporary shelters. Pursuant to Government Code Section 8698.1, the CEO and these same County Departments will evaluate which, if any, applicable state or local laws prescribing standards of housing, health or safety, if strictly complied with, would prevent, hinder, or delay the establishment of emergency temporary shelters. For example, there may be County codes that prevent or limit a facility from being used as a homeless shelter; however, these County codes or other applicable state or local laws are temporarily suspended to allow the use of such a facility by the homeless on an emergency basis during the shelter crisis.

In addition, the CEO, in consultation with County Counsel, Public Works, Public Health, Fire, and other appropriate County Departments may choose to adopt health and safety standards or regulations, in place of the suspended standards, to be applied to the emergency shelters and to be operative during the shelter crisis consistent with ensuring public health and safety.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Find the proposed actions are not a project as defined by Section 15378 of the State California Environmental Quality Act ("CEQA") Guidelines, and therefore these actions are not subject to CEQA. Alternatively, the proposed actions are exempt from the provisions of CEQA in accordance with the State CEQA Guidelines Sections 15061(b), 15301, 15303, and 15304.
2. Find that pursuant to Government Code Sections 8698 et seq., during the period of the storm season and forecasted El Nino conditions from October 15, 2015 through March 15, 2016, a significant number of persons within the County are without the ability to obtain shelter, resulting in a threat to their health and safety.
3. Adopt the attached Resolution declaring a shelter crisis during the period of October 15, 2015 through March 15, 2016, in accordance with Government Code Sections 8698 et seq., as a result of which declaration the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended with respect to County and/or public facilities being used as temporary shelters pursuant to this action, to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.
4. Delegate authority to the CEO or her designee, in consultation with County Counsel and the Departments of Public Works, Public Health,

Fire, and Regional Planning, pursuant to Government Code Sections 8698 et seq., to identify and make ready for operation suitable public facilities which are owned, operated, leased or maintained, or any combination thereof by the County.

5. Delegate authority to the CEO or her designee, in consultation with County Counsel and the Departments of Public Works, Public Health, Fire, and Regional Planning, pursuant Government Code Section 8698.1(b), to identify which provisions of any applicable state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis to the extent there was strict compliance with same. This delegation of authority in no way limits the broad suspension of the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety that occurs by operation of law pursuant to Government Code Section 8698.1 upon the Board's declaration of a shelter crisis.
6. Delegate authority to the CEO or her designee, in consultation with County Counsel and the Departments of Public Works, Public Health, Fire, and Regional Planning, pursuant to Government Code Section 8698.1(b), to adopt and implement any applicable health and safety standards or regulations as applied to the temporary emergency shelters and to be operative during the shelter crisis consistent with ensuring public health and safety.

7. Direct the Director of Public Works or her designee, as the County Engineer, to obtain any required state permits for County facilities to meet the Department of Housing and Community Development requirements for modular buildings, if necessary.
8. Delegate authority to the CEO or her designee to ~~authorize funding within~~ **allocate up to \$100,000 from** the existing FY 2015-16 Adopted Budget and execute appropriate contracts for the provision of services at the temporary homeless shelters during the shelter crisis. **The CEO shall notify the Board prior to any such funding expenditure and/or execution of such contracts, under this section.**
9. Delegate authority to the CEO or her designee to ~~authorize funding within~~ **allocate up to \$100,000 from** the existing FY 2015-16 Adopted Budget and utilize and/or enter into appropriate contracts, as necessary, to meet applicable health and safety standards or regulations during the shelter crisis to ensure public health and safety. **The CEO shall notify the Board prior to any such funding expenditure and/or execution of such contracts, under this section.**
10. Authorize the CEO or her designee to take any other actions consistent with and/or necessary for the implementation of the foregoing actions.

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**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES DECLARING A SHELTER CRISIS TO PROVIDE
EMERGENCY TEMPORARY SHELTER IN COUNTY PUBLIC FACILITIES**

WHEREAS, homelessness in the County of Los Angeles (County) is a significant issue that affects more than 40,000 individuals; and

WHEREAS, over 28,000 of these individuals are unsheltered, living on the streets and in hidden encampments along rivers, flood control areas, and other rural locations of the County; and

WHEREAS, these unsheltered individuals are at high risk of injury and harm due to exposure to the elements and due to other health, safety and welfare-related circumstances and consequences of being homeless; and

WHEREAS, weather forecasts predict El Nino conditions that are likely to involve unusually heavy rainfall during the period of October 15, 2015 through March 15, 2016; and

WHEREAS, in anticipation of the onset of the storm season and El Nino conditions, the County wishes to declare a shelter crisis in accordance with Government Code Sections 8698 et seq. in an effort to facilitate the availability of temporary shelters for persons unable to obtain shelter during this time period; and

WHEREAS, Government Code Sections 8698 through 8698.2 permit the governing body of a political subdivision of the state to declare a shelter crisis; and

WHEREAS, Government Code Sections 8698 et seq. provide authority for the County to address the need for emergency temporary shelters when a significant

number of persons within its jurisdiction are without the ability to obtain shelter, resulting in a threat to their health and safety; and

WHEREAS, under the conditions set forth in Government Code Sections 8698 et seq., the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis; and

WHEREAS, in place of any such housing, health and safety standards, the County may enact municipal health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety; and

WHEREAS, the County owns, operates, leases or maintains numerous facilities throughout the County; and

WHEREAS, the Chief Executive Office (CEO) has preliminarily identified modular buildings located at the former High Desert Multi-Service Ambulatory Care Center as a potential Winter Weather Shelter site during the anticipated El Nino; and

WHEREAS, the CEO has identified a number of other County facilities that may be suitable to use as temporary emergency shelters, as warranted, during episodic heavy rain weather conditions; and

WHEREAS, there may be other suitable facilities which are owned, operated or leased by the County that have not yet been identified but could later be determined as suitable to use as supportive emergency homeless housing during the shelter crisis; and

WHEREAS, the County facilities and possibly other suitable facilities which are owned, operated or leased by the County may be turn-key ready or require minor alterations to act as temporary shelters for the County's homeless population on an emergency basis; and

WHEREAS, the CEO, in consultation with County Counsel and the Departments of Public Works Public Health, Fire, and Regional Planning intend to complete their evaluation of County and other public facilities within the County, including modular buildings, that could potentially be used for emergency shelter and, where appropriate, expedite the process to ready such facilities for operation as temporary shelters; and

WHEREAS, these same County Departments intend to evaluate which, if any, applicable state or local laws prescribing standards of housing, health or safety, if strictly complied with, would in any way prevent, hinder, or delay the establishment of emergency temporary shelters; and

WHEREAS, these same County Departments may choose to adopt health and safety standards or regulations, in place of the suspended standards, to be applied to the emergency shelters and to be operative during the shelter crisis consistent with ensuring public health and safety.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that:

Section 1. The Board adopts the recitals above as findings and determinations.

Section 2. The Board finds pursuant to Government Code Sections 8698 et seq., during the period of the storm season and forecasted El Nino conditions from October 15, 2015 through March 15, 2016, a significant number of persons within the

County are without the ability to obtain shelter, resulting in a threat to their health and safety.

Section 3. Pursuant to Government Code Sections 8698 et seq., the County declares a shelter crisis during the period of the storm season and forecasted El Nino conditions from October 15, 2015 through March 15, 2016, as a result of which the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended with respect to County and/or public facilities being used as temporary shelters pursuant to this action, to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

Section 4. The Board delegates authority to the CEO or her designee, in consultation with County Counsel and the Departments of Public Works, Public Health, Fire, and Regional Planning, pursuant to Government Code Sections 8698 et seq., to identify and make ready for operation suitable public facilities which are owned, operated, leased or maintained, or any combination thereof by the County.

Section 5. The Board delegates authority to the CEO or her designee, in consultation with County Counsel and the Departments of Public Works, Public Health, Fire, and Regional Planning, pursuant Government Code Section 8698.1(b), to identify which provisions of any applicable state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis to the extent there was strict compliance with same. This delegation of authority in no way limits the broad suspension of the provisions of any state or local regulatory statute, regulation, or

ordinance prescribing standards of housing, health, or safety that occurs by operation of law pursuant to Government Code Section 8698.1 upon the Board's declaration of a shelter crisis.

Section 6. The Board delegates authority to the CEO or her designee, in consultation with County Counsel and the Departments of Public Works, Public Health, Fire, and Regional Planning, pursuant to Government Code Section 8698.1(b), to adopt and implement any applicable health and safety standards or regulations as applied to the temporary emergency shelters and to be operative during the shelter crisis consistent with ensuring public health and safety.

Section 7. Direct the Director of Public Works, as the County Engineer, or her designee, to obtain any required state permits for County facilities to meet the Department of Housing and Community Development requirements for modular buildings, if necessary.

Section 8. The Board delegates authority to the CEO or her designee to ~~authorize funding within~~ **allocate up to \$100,000 from** the existing FY 2015-16 Adopted Budget and execute appropriate contracts for the provision of services at the temporary homeless shelters during the shelter crisis. **The CEO shall notify the Board prior to any such funding expenditure and/or execution of such contracts, under this section.**

Section 9. The Board delegates authority to the CEO or her designee to ~~authorize funding within~~ **allocate up to \$100,000 from** the existing FY 2015-16 Adopted Budget and utilize and/or enter into appropriate contracts, as necessary, to meet applicable health and safety standards or regulations during the shelter crisis to

ensure public health and safety. **The CEO shall notify the Board prior to any such funding expenditure and/or execution of such contracts, under this section.**

Section 10. The Board authorizes the CEO or her designee to take any other actions consistent with and/or necessary for the implementation of the foregoing actions.

The foregoing resolution was on the *(Day)* day of *(Month)* 2015, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:

MARY C. WICKHAM
Interim County Counsel

By _____
Lillian Salinger
Deputy County Counsel
Public Works Division

LDS

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES DECLARING A SHELTER CRISIS TO PROVIDE
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WHEREAS, weather forecasts predict El Nino conditions that are likely to involve unusually heavy rainfall during the period of October 15, 2015 through March 15, 2016; and

WHEREAS, in anticipation of the onset of the storm season and El Nino conditions, the County wishes to declare a shelter crisis in accordance with Government Code Sections 8698 et seq. in an effort to facilitate the availability of temporary shelters for persons unable to obtain shelter during this time period; and

WHEREAS, Government Code Sections 8698 through 8698.2 permit the governing body of a political subdivision of the state to declare a shelter crisis; and

WHEREAS, Government Code Sections 8698 et seq. provide authority for the County to address the need for emergency temporary shelters when a significant number of persons within its jurisdiction are without the ability to obtain shelter, resulting in a threat to their health and safety; and

WHEREAS, under the conditions set forth in Government Code Sections 8698 et seq., the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis; and

WHEREAS, in place of any such housing, health and safety standards, the County may enact municipal health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety; and

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WHEREAS, these same County Departments intend to evaluate which, if any, applicable state or local laws prescribing standards of housing, health or safety, if strictly complied with, would in any way prevent, hinder, or delay the establishment of emergency temporary shelters; and

WHEREAS, these same County Departments may choose to adopt health and safety standards or regulations, in place of the suspended standards, to be applied to the emergency shelters and to be operative during the shelter crisis consistent with ensuring public health and safety.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that:

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Section 2. The Board finds pursuant to Government Code Sections 8698 et seq., during the period of the storm season and forecasted El Nino conditions from October 15, 2015 through March 15, 2016, a significant number of persons within the County are without the ability to obtain shelter, resulting in a threat to their health and safety.

Section 3. Pursuant to Government Code Sections 8698 et seq., the County declares a shelter crisis during the period of the storm season and forecasted El Nino conditions from October 15, 2015 through March 15, 2016, as a result of which the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended with respect to County and/or public facilities being used as temporary shelters pursuant to this action, to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

Section 4. The Board delegates authority to the CEO or her designee, in consultation with County Counsel and the Departments of Public Works, Public Health, Fire, and Regional Planning, pursuant to Government Code Sections 8698 et seq., to identify and make ready for operation suitable public facilities which are owned, operated, leased or maintained, or any combination thereof by the County.

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Section 6. The Board delegates authority to the CEO or her designee, in consultation with County Counsel and the Departments of Public Works, Public Health, Fire, and Regional Planning, pursuant to Government Code Section 8698.1(b), to adopt and implement any applicable health and safety standards or regulations as applied to the temporary emergency shelters and to be operative during the shelter crisis consistent with ensuring public health and safety.

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Section 8. The Board delegates authority to the CEO or her designee to allocate up to \$100,000 from the existing FY 2015-16 Adopted Budget and execute appropriate contracts for the provision of services at the temporary homeless shelters during the shelter crisis. The CEO shall notify the Board prior to any such funding expenditure and/or execution of such contracts, under this section.

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Section 10. The Board authorizes the CEO or her designee to take any other actions consistent with and/or necessary for the implementation of the foregoing actions.

The foregoing resolution was on the 20th day of October 2015, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.



PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

By Carla Little
Deputy

APPROVED AS TO FORM:

MARY C. WICKHAM
Interim County Counsel

By Lillian Salinger
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Public Works Division

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